

David W. Fassett (DWF 1636)  
ARSENEAULT & FASSETT, LLP  
560 Main Street  
Chatham, NJ 07928  
(973) 635-3366  
Attorneys for Plaintiff "R" Best Produce Inc.

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY  
TRENTON VICINAGE

---

"R" BEST PRODUCE INC.

Plaintiff

v.

UNCLE GINO'S ITALIAN GOURMET  
MARKETPLACE, INC., UNCLE GINO'S  
MARKETPLACE OF BRICK INC.,  
EUGENE J. PALUMMO  
and SHARON A. PALUMMO

Defendants

---

Civil No. 19-21292 (FLW)(ZNQ)

~~—[PROPOSED] ORDER ENTERING FINAL JUDGMENT BY DEFAULT  
AGAINST DEFENDANTS UNCLE GINO'S ITALIAN GOURMET  
MARKETPLACE, INC., UNCLE GINO'S MARKETPLACE OF BRICK INC.,  
—EUGENE J. PALUMMO and SHARON A. PALUMMO—~~

THIS MATTER having come before the Court on the motion of Plaintiff under Federal Rule of Civil Procedure 55(b) for entry of a final judgment by default against Defendants Uncle Gino's Italian Gourmet Marketplace, Inc. ("Uncle Gino's"), Uncle Gino's Marketplace of Brick Inc. ("Uncle Gino's Brick"), ~~Eugene J. Palummo ("E. Palummo") and Sharon A. Palummo ("S. Palummo")~~ (Uncle Gino's, Uncle Gino's Brick, ~~E. Palummo and S. Palummo~~ collectively, "Defendants"); and the Court having considered the submissions of counsel for Plaintiff; and it appearing that on December 11, 2019, Plaintiff filed a Complaint stating claims for violation of the trust provisions of

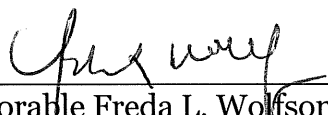
the Perishable Agricultural Commodities Act, 7 U.S.C. § 499a, *et seq.* (“PACA”) and breach of contract against Defendants, and demanding damages against Defendants, jointly and severally, in the principal amount of \$36,956.82 plus interest and costs [DE. 1]; and it further appearing that on December 13 and December 17, 2019, Plaintiff served process on Defendants [DE 5 and 6]; and it further appearing that on January 7 and January 8, 2020, the Clerk of the Court entered Defendants’ defaults; and it further appearing that on January 10, 2020, Plaintiff filed a motion for a default judgment against Defendants and served copies of those motion papers on Defendants [Doc. 8]; and it further appearing that Defendants did not file any response to that motion; and it further appearing that Defendants have not moved to vacate their defaults, have not filed any response to the Complaint, and have not paid any portion of the principal amount of \$36,956.82 due and owing to Plaintiff; and it further appearing that Plaintiff is also entitled to prejudgment interest through February 3, 2020 in the amount of \$1,419.44, aggregate attorneys’ fees and expenses in the amount of \$5,487.50, and costs of \$485.00, for a total judgment amount of \$44,348.76; and it further appearing that Defendants are not infants, incompetent persons, nor in the military service of the United States; and it further appearing that there is no just reason for delay of entry of final judgment against Defendants, jointly and severally, and for good cause shown;

IT IS on this 28<sup>th</sup> day of February, 2020,

1. ORDERED and ADJUDGED that the foregoing motion be, and hereby is, GRANTED; and it is further

2. ORDERED and ADJUDGED that Final Judgment be, and hereby is, ENTERED against Defendants Uncle Gino’s Italian Gourmet Marketplace, Inc., Uncle Gino’s Marketplace of Brick Inc., ~~Eugene J. Palummo and Sharon A. Palummo~~, jointly

and severally, in the principal amount of \$36,956.82, plus prejudgment interest through February 3, 2020 in the amount of \$1,419.44, plus aggregate attorneys' fees and expenses in the amount of \$5,487.50, and costs of \$485.00, for a total judgment amount of \$44,348.76.

  
\_\_\_\_\_  
Honorable Freda L. Wolfson, C.U.S.D.J.  
2/28/2020